

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH SCLAFANI, MICHAEL FEINSTEIN,  
and BRET CAPPOLA,

Plaintiffs,

CAROL A. MICI, in her official capacity as  
Commissioner of the Massachusetts Department  
of Correction, DOUGLAS DEMOURA, in his  
official capacity as Superintendent of MCI-Cedar  
Junction, and STEVE SILVA, in his official  
capacity as Superintendent of MCI-Norfolk,

Defendants.

C.A. No. 19-12550-LTS

**NOTICE OF SETTLEMENT AND JOINT MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiffs Joseph Sclafani, Michael Feinstein, and Bret Cappola and Defendants Carol A. Mici, in her official capacity as Commissioner of the Massachusetts Department of Correction; Douglas DeMoura, in his official capacity as Superintendent of MCI-Cedar Junction; and Steve Silva, in his official capacity as Superintendent of MCI-Norfolk (collectively, “Defendants”), hereby provide notice of settlement and move to dismiss this action as to the Defendants without prejudice, on the condition that the Court retain jurisdiction through December 31, 2020 to enforce the agreement, if necessary.

WHEREFORE the parties request the following:

1. That the Court retain jurisdiction through December 31, 2020 to enforce the settlement agreement, if necessary; and
2. Should the above provision be acceptable, that the Court dismisses the Complaint without prejudice.

Dated: February 28, 2020

Respectfully submitted,

Nancy Ankers White  
Special Assistant Attorney General

By: /s/ Philip W. Silva  
Philip W. Silva (BBO 548175)  
Supervising Counsel  
Department of Correction  
Bridgewater State Hospital  
30 Administration Road  
Bridgewater, MA 02324  
Tel.: 508.279.4538  
Philip.silva@massmail.state.ma.us

*Attorneys for Defendants*

By: /s/ Alexandra D. Valenti  
Ira J. Levy (*Pro hac vice*)  
Alexandra D. Valenti (*Pro hac vice*)  
Aviv A. Zalcenstein (*Pro hac vice*)  
Christine Armellino (*Pro hac vice*)  
GOODWIN PROCTER LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018  
Tel.: 212.813.8800  
Fax: 212.355.3333  
ILevy@goodwinlaw.com  
AValenti@goodwinlaw.com  
AZalcenstein@goodwinlaw.com  
CArmellino@goodwinlaw.com

Robert Frederickson III (BBO 670111)  
Marielle Sanchez (BBO 703897)  
GOODWIN PROCTER LLP  
100 Northern Avenue  
Boston, Massachusetts 02210  
Tel.: 617.570.1000  
Fax: 617.523.1231  
RFrederickson@goodwinlaw.com  
MSanchez@goodwinlaw.com

Matthew R. Segal (BBO 654489)  
Jessie J. Rossman (BBO 670685)  
Laura K. McCready (BBO 703692)  
American Civil Liberties Union  
Foundation of Massachusetts, Inc.  
211 Congress Street  
Boston, MA 02110  
Tel.: 617.482.3170  
msegal@aclum.org  
jrossman@aclum.org  
lmccready@aclum.org

*Attorneys for Plaintiffs Joseph Sclafani,  
Michael Feinstein, and Bret Cappola*

**CERTIFICATE OF SERVICE**

I, Alexandra D. Valenti, certify that this document filed through the CM/ECF system will be served on February 28, 2020 electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and by first-class mail, postage prepaid on those identified as non-registered participants.

/s/Alexandra D. Valenti  
Alexandra D. Valenti